

R E M A R K S

Claims 17 - 26, 80, 86 and 87 are pending in the present application.
Claims 17, 80, 86 and 87 are independent.

Claim Amendments

Solely to expedite prosecution, claims 1 - 16, 27 - 79, 81 - 85 and 88 - 91 have been canceled. The subject matter will be pursued in continuing applications.

Section 103(a) Rejections

All claims are rejected as being unpatentable over a combination of Fraser (WO 97/08638) and West (U.S. Patent No. 5,845,259). Applicants respectfully traverse the Examiner's Section 103(a) rejection.

The references do not disclose or suggest:

transmitting said transaction data to a remote server of a manufacturer during a transaction session for determination of a possible substitute product to be offered to said consumer;

West, like Fraser, does not address the ability of a manufacturer to become actively involved in retail transactions and sales efforts.

One possible advantage of the presently claimed embodiments is that, by directly marketing to customers at the time of purchase, but prior to consummation of the purchase, manufacturers may market directly to customers, thereby enhancing their marketing efforts. Further, since such customers have already indicated their readiness to purchase the product, the manufacturers are assured that their marketing efforts have an increased chance of success. Customers need not actively seek and/or redeem promotional benefits after a purchase, thereby enhancing manufacturer marketing efforts.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Petition for Extension of Time to Respond

Applicants hereby petition for a **three-month** extension of time with which to respond to the Office Action. Please charge \$920.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,



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